

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEONARD M. EISENBERG and
CAROL A. EISENBERG,

Plaintiffs,

– against –

PERMANENT MISSION OF EQUATORIAL
GUINEA TO THE UNITED NATIONS,

Defendant.

Civil Action No. 18-cv-02092(KMK)

JUDGMENT

WHEREAS, the subject trespass action that was initiated by the Plaintiffs in Supreme Court Westchester County was removed by Defendant on March 8 2018 to the US District Court; and

WHEREAS, this Court on July 30, 2019 denied the Defendant’s Motion filed pursuant to 12(b)1 that sought to dismiss the proceeding based upon alleged sovereign immunity claiming a lack of subject matter jurisdiction; and

WHEREAS, on November 10, 2020 the USCA affirmed this Court’s July 30, 2019 denial of the Defendant’s Dismissal Motion and by Memo Endorsed Order dated November 12, 2020 this Court set a discovery “hard deadline” stating that failure to comply could result in sanctions; and

WHEREAS, following the Defendant’s failure to comply with discovery, Plaintiffs on January 27, 2021 filed a Motion for Default Judgment that was granted on August 11, 2021 that granted leave to the Plaintiffs to file a Rule 11 Sanction Motion; and

WHEREAS, by Document No. 98 the Plaintiffs on September 2, 2021 filed a Rule 11 Sanction Motion supported by Document Nos. 99 and 100 that included a detailed Affirmation of Services that

sought fees and damages exceeding \$75,000.00; and

WHEREAS, this Court by Document No. 103 granted the Plaintiffs Document No. 98 Motion for Sanctions directing Plaintiffs to submit within thirty (30) days following April 5, 2022 an updated calculation attorney's fees; and

WHEREAS, on April 28, 2022 counsel for the Plaintiffs submitted a supplemental declaration and Attorney Affirmation containing one exhibit that included attorney fee invoices;

NOW THEREFORE upon application of David I. Grauer Attorney for the Plaintiffs, it is hereby,

ORDERED, ADJUDGED and DECREED that the Plaintiffs be granted a joint and several judgment against the Defendant Permanent Mission of Equatorial Guinea to the United Nations, the owner of the property known as 102 Hillair Circle, White Plains, New York 10605 and against counsel for the Defendant Francis M. Ssekandi, who maintains offices at 530 Alosio Drive, River Vale, New Jersey 07675 which judgment this Court is hereby assessing and granting in the sum of \$ 56,700.00 representing the sanctions, fees and damages that have been assessed by this Court consistent with the August 11, 2021 (Dkt. No. 91) Order Granting the Default Motion and consistent with this Court's Order dated April 5, 2022 (Dkt. No. 103) that granted the Plaintiff's Motion for Sanctions; and it is further,

ORDERED, ADJUDGED and DECREED that the Clerk of this Court be hereby authorized and directed to enter and docket the above money judgment in favor of the Plaintiffs **LEONARD M. EISENBERG** and **CAROL A. EISENBERG** residing at 100 Hillair Circle, White Plains, New York 10605 against the Defendant Permanent Mission of Equatorial Guinea to the United Nations the owner

of the property known as 102 Hillair Circle, White Plains, New York 10605 together with a money judgment against Defendant's counsel Francis M. Ssekandi, who maintains offices at 530 Alosio Drive, River Vale, New Jersey 07675 which money judgement is granted in favor of the Plaintiffs Leonard M. Eisenberg and Carol A. Eisenberg in a joint and several capacity against the above named judgment debtors; and it is further

ORDERED, ADJUDGED and DECREED that the Plaintiffs do have full rights of execution, enforcement and recovery as against the subject judgment debtors and that the judgment be a lien on the real property owned by the Defendant pending satisfaction of same.

Dated: White Plains, New York
May 12, 2022

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the signature.

Kenneth M. Karas, U.S.D.J.